

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK COOMBS,	:	CIVIL ACTION NO. 1:05-CV-2308
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
DONALD KELCHNER, WARDEN SCI CAMP HILL,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 31st day of July, 2006, upon consideration of petitioner's motion for summary judgment (Doc. 29) based on the entry of appearance of respondent's counsel, Mark S. Smith, Esq., and petitioner's motions to strike (Docs. 24, 27) Attorney Smith's entry of appearance of, and it appearing that petitioner's basis for seeking to remove Attorney Smith from the case is the fact that he filed a "non-participation" statement in 2002 in the matter of Coombs v. Dragovich, et al, C.A. No. 01-4193, which was pending in the Third Circuit Court of Appeals, and it further appearing that petitioner has failed to provide sufficient facts that would warrant striking Attorney Smith's appearance, it is hereby ORDERED that the motions (Docs. 24, 27, 29) are DENIED.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge